

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

CHRISTIAN ALBERTO SANTOS GARCIA,  
*et al.*,

*Plaintiffs,*

v.

CHAD F. WOLF, in his official capacity as  
Acting Secretary, U.S. Department of  
Homeland Security, *et al.*,

*Defendants.*

Case No. 1:20-cv-00821 (LMB/JFA)

**MOTION FOR EXPEDITED BRIEFING SCHEDULE ON PLAINTIFFS’  
MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Local Rule 7(F), Plaintiffs, by counsel, move for an expedited briefing schedule on their Motion for Preliminary Injunction (Dkt. #6).<sup>1</sup> In support of this motion, Plaintiffs respectfully represent as follows:

1. The Farmville Detention Center is currently experiencing the worst COVID-19 outbreak of any ICE detention facility in the nation. *See* U.S. Immigration and Customs Enforcement (“ICE”), *ICE Guidance on COVID-19: ICE Detainee Statistics*, <http://www.ice.gov/coronavirus> (last visited July 23, 2020); *see generally* Dkt. #1 ¶¶ 46–142, and exhibits cited therein. This is a crisis entirely of Defendants’ making, after they transferred 74 detainees into Farmville from the COVID-19 hotspots of Arizona and Florida without testing

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<sup>1</sup> Counsel for Defendants Wolf, Albence, Hott, and U.S. Immigration and Customs Enforcement, and counsel for Defendants Crawford and Immigration Centers of America LLC, do not consent to this Motion. Plaintiffs have been unable to determine the position of Defendant Armor Correctional Health Services Inc.

or isolating them first, in direct violation of the plan that they had developed to prevent an outbreak in the facility. *Id.* ¶¶ 49–53.

2. In light of this crisis, Defendants have failed to ensure the health, safety, sanitary conditions, and adequate nutrition of Plaintiffs. *See generally* Dkt. #1 ¶¶ 46–142 and exhibits cited therein. Plaintiffs were exposed to and contracted COVID-19 while in Defendants’ custody, and are suffering daily due to Defendants’ failure to provide for their care. *See generally id.* ¶¶ 56–129, 137–42. Now, in a development that threatens to make matters much worse, Defendants are threatening to transfer Plaintiffs to an unspecified detention center in Texas, risking further exposure and injury. *Id.* ¶¶ 73, 76.

3. Plaintiffs filed their Motion for Preliminary Injunction (Dkt. #6) on Thursday, July 23, 2020, and immediately thereupon e-mailed a copy of the Motion and the underlying Complaint to counsel for Defendants Wolf, Albence, Hott, and U.S. Immigration and Customs Enforcement; counsel for Defendants Crawford, Immigration Centers of America, LLC; and counsel who regularly defends Defendant Armor Correctional Health Services, Inc. in federal constitutional litigation in Virginia.

4. Under the default deadlines provided by Rule 7(F), Defendants’ Memoranda in Opposition would be due fourteen days thereafter, on Thursday, August 6; Plaintiffs’ reply memorandum would be due six days thereafter, on Wednesday, August 12; and (given that this Court is currently hearing motions on Tuesdays) the argument would likely take place on Tuesday, August 18.

5. Given the circumstances of this case and the urgent threat to the health and safety of the Plaintiffs, in order that the case be heard more promptly, Plaintiffs respectfully request a slightly expedited timeline. Specifically, Plaintiffs request that Defendants’ Memoranda in

Opposition be due on Wednesday, August 5, 2020 (twelve days after the filing of the Motion for Preliminary Injunction—only two days fewer than provided by the default rule); Plaintiffs’ reply brief be due on Sunday, August 9, 2020 (four days thereafter—also two days fewer than provided by the default rule); and that oral argument on the motion be held on Tuesday, August 11, at a time convenient to the Court.

6. Any prejudice to the Defendants caused by losing two days of briefing is justified by the ongoing harm experienced by Plaintiffs and the urgent risk to Plaintiffs’ health and safety presented by the facts underlying this case. *See* Dkt. #1 and attachments thereto.

7. Alternatively, should this Court prefer to maintain the default briefing schedule, Plaintiffs respectfully request that this Court schedule the preliminary injunction motion for a hearing on Thursday, August 13 or Friday, August 14, at a time convenient to the Court.

8. Finally, Defendants have filed a “Notice of Related Case,” Dkt. #16. Plaintiffs disagree, and will respond to this Notice by means of a separate pleading, since unlike *Touré* this case is not a habeas petition, but rather a complaint for injunctive relief; does not seek release from confinement, but rather improvements in the conditions of confinement; and concerns the significantly different factual predicate of a detention facility where more than 80 percent of the detainees have tested positive for COVID-19. *Contra Toure*, 2020 WL 2092639, at \*4 (E.D. Va., Apr. 29, 2020) (“Plaintiffs argue their continued detention constitutes an unlawful punishment, a punitive confinement with deliberate indifference to their health and safety, and disability discrimination and a failure to accommodate. . . . Their requested relief is limited to release from the detention centers where they are currently located. . . .”).

9. Finally, Plaintiffs request that the Court issue the requested summonses, *see* Dkt. #1-14, so that Plaintiffs can ensure that they be served on all Defendants prior to any hearing on

the preliminary injunction motion.

Respectfully submitted,

Joseph D. West (Va. Bar No. 16834)  
David Debold (*pro hac vice requested*)  
Naima L. Farrell (*pro hac vice requested*)  
Thomas J. McCormac IV  
(*pro hac vice requested*)  
Blair Watler (*pro hac vice requested*)  
Katherine King (*pro hac vice requested*)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5306  
Tel: 202-955-8551  
jwest@gibsondunn.com  
ddebald@gibsondunn.com  
nfarrell@gibsondunn.com  
tmccormac@gibsondunn.com  
bwatler@gibsondunn.com  
kking@gibsondunn.com

*Counsel for Plaintiff Christian Alberto Santos  
Garcia*

By:           //s//            
Simon Sandoval-Moshenberg  
(Va. Bar No. 77110)  
Kristin Donovan (Va. Bar No. 92207)  
Granville Warner (Va. Bar. No. 24957)  
LEGAL AID JUSTICE CENTER  
6066 Leesburg Pike, Suite 520  
Falls Church, VA 22041  
Tel: 703-778-3450  
simon@justice4all.org  
kristin@justice4all.org  
cwarner@justice4all.org

Sirine Shebaya (*pro hac vice*)  
Amber Qureshi (*pro hac vice*)  
NATIONAL IMMIGRATION PROJECT OF THE  
NATIONAL LAWYERS GUILD  
2201 Wisconsin Avenue, N.W., Suite 200  
Washington, D.C. 20007  
Tel: 617-227-9727  
sirine@nipnl.org  
amber@nipnl.org

*Counsel for Plaintiffs Santos Salvador  
Bolanos Hernandez, Gerson Amilcar Perez  
Garcia, and Ismael Castillo Gutierrez*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, along with all attachments thereto, to this Court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all counsel of record.

Also on this date, I caused the foregoing to be mailed (first-class U.S. mail), along with all attachments thereto, to the following Defendants:

Chad Wolf, Matthew Albence, Russell Hott, U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
Office of the General Counsel  
2707 Martin Luther King Jr. Ave, SE  
Washington, DC 20528

Jeffrey Crawford, Superintendent, Farmville Detention Center  
Immigration Centers of America, LLC  
508 Waterworks Road  
Farmville, VA 23901

Immigration Centers of America, LLC  
SERVE: Russell B. Harper, R/A  
7113 Three Chopt Road, Suite 210  
Richmond, VA 23226

Armor Correctional Health Services, Inc.  
SERVE: CT Corporation System, R/A  
4701 Cox Rd Ste 285  
Glen Allen, VA 23060-6808

Also on this date, I caused the foregoing to be mailed (U.S. mail, postage paid) and e-mailed, along with all attachments thereto, to the following counsel for the Defendants:

Yuri S. Fuchs, Assistant U.S. Attorney  
U.S. Attorney's Office for the Eastern District of Virginia, Alexandria Div.  
Justin W. Williams United States Attorney's Building  
2100 Jamieson Ave  
Alexandria, VA 22314  
[Yuri.Fuchs@usdoj.gov](mailto:Yuri.Fuchs@usdoj.gov)  
*Counsel for Defendants Wolf, Albence, Hott, and U.S. Immigration and Customs Enforcement*

John M. Erbach  
SPOTTS FAIN, P.C.  
411 E. Franklin Street, Suite 600  
Richmond, VA 23219  
jerbach@spottsfain.com  
*Counsel for Defendants Crawford and Immigration Centers of America, LLC*

Dated: July 24, 2020

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Simon Sandoval-Moshenberg (VSB No. 77110)  
[simon@justice4all.org](mailto:simon@justice4all.org)  
**LEGAL AID JUSTICE CENTER**  
6066 Leesburg Pike, Suite 520  
Falls Church, Virginia 22041  
Tel: (703) 778-3450 / Fax: (703) 778-3454

*Attorney for Plaintiffs*